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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,397	07/27/2001	Richard Glenn Goodwin	70662	1536
27510	7590	02/21/2006	EXAMINER	
KILPATRICK STOCKTON LLP 607 14TH STREET, N.W. WASHINGTON, DC 20005			FOWLKES, ANDRE R	
			ART UNIT	PAPER NUMBER
			2192	
DATE MAILED: 02/21/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/917,397	GOODWIN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Andre R. Fowlkes	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 40-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 40-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This action is in response to the amendment filled 12/8/05. Claims 1-39 and 44-64 have been canceled. Claim 40 has been amended. Claims 40-43 are pending.

### ***Double Patenting***

2. The double patenting rejection of claims 21-27 is withdrawn, in view of applicant's amendment.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 40-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Iyengar et al., (Iyengar), U.S. Patent No. 6,018,627.

As per claim 40, Iyengar discloses:

- **a modeling tool** (col. 1:33-35, "The (modeling tool) process may start with the building of business models and progress to representing the business models as object models"),

- **a logical model** (col. 1:33-35, "The process may start with the building of business (i.e. logical) models and progress to representing the business models as object models"),

- **a plurality of templates defining a plurality of services within a framework** (col. 1:33-35, "The process may start with the building of business models (i.e. template) and progress to representing the business models as object models (i.e. unified model)"),

- **a code generator generating a source code object as a function of one of the templates and the logical model** (col. 1:33-35, "The process may start with the building of business (i.e. template) models and progress to representing the business models as object models (i.e. UML)", and col. 2:62-63, "the system generates ... code based on the UML model"),

- **a data server providing query services, wherein the data server receives the source code object and the logical model and further receives an object oriented query** (col. 5:58, "provides connectivity between clients and (data) servers (i.e. a computer that delivers information (data) and software to other computers linked by a network)", and col. 9:2-6, "Under another method, data from the modeling tool is exported into a database, and the database is saved into the repository. Data from the database is then (queried and ) imported into a UML model").

As per claim 41, the rejection of claim 40 is incorporated and further, Iyengar discloses **a database, wherein the data server retrieves data from the database as a function of said object oriented query** (col. 9:2-6, "Under another method, data from the modeling tool is exported into a database, and the database is saved into the repository. Data from the database is then (queried)").

As per claim 42, the rejection of claim 41 is incorporated and further, Iyengar discloses **a client application generating said object oriented query** (col. 4:21-23, "Each tool employed during the development process puts information into the repository and takes information out of (i.e. queries) the repository (i.e. database)", and the system works in an object oriented development environment).

As per claim 43, the rejection of claim 42 is incorporated and further, Iyengar discloses **an object request broker for communicating said object oriented query from said client application to said data server** (col. 5:58, "provides connectivity between clients and servers (i.e. an object request broker)", and col. 2:36-37, "once the output data is transformed into a UML model, it is saved in a repository", and col. 9:2-6, "Under another method, data from the modeling tool is exported into a database, and the database is saved into the repository. Data from the database is then imported into a UML model by means of the Transformation Algorithms").

***Response to Arguments***

5. Applicants arguments have been considered but they are not persuasive.

*In the remarks, the applicant has argued substantially that:*

1) Claim 40 introduces a data server, which is not disclosed in lyengar, at p. 3:24-25.

*Examiner's response:*

1) The examiner disagrees with applicant's characterization of the applied art. lyengar discloses a data server at col. 5:58, "provides connectivity between clients and servers (i.e. a computer that delivers information (data) and software to other computers linked by a network)."

*In the remarks, the applicant has argued substantially that:*

2) Claims 40-43 include run-time elements, not disclosed by lyengar, at p. 4:4-5.

*Examiner's response:*

2) The plain language of the claims do not require as such "run-time elements". Furthermore, the examiner disagrees with applicants characterization of the applied art. lyengar discloses the use of the Microsoft Transactional Server (MTS), at col. 11:34-36. It should be noted that the run-time environment is an inherent feature of the MTS. For

example, see <<http://www.microsoft.com/technet/archive/transsrv/quicktr.mspx>>.

Therefore the lyengar system does includes run-time elements.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre R. Fowlkes whose telephone number is (571) 272-3697. The examiner can normally be reached on Monday - Friday, 8:00am-4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571)272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ARF



TUAN DAM  
SUPERVISORY PATENT EXAMINER